

VIA ECF/EMAIL

Honorable Judge Gregory Woods
United States District Court
Southern District of New York
500 Pearl Street, Room 12C
New York, NY 10007

Dear Judge Woods,

I am writing to let the Court know that I apologize for my absences. I have the deepest respect for this Court and greatly regret recent events. I have had some medical injuries that prevented my attendance. While I normally would not get into the specifics of my personal health, here I believe it is warranted. Several months ago I had a head injury resulting in a brain bleed/subdermal hematoma that eventually resulted in a procedure where they had to drill into my skull to relieve the pressure. This resulted in several continuing issues. This past week I had a recurrence of a head injury and ended up in Hackensack Medical Center from the 19th until the 21st.¹ The procedures at Hackensack Medical Hospital are that upon admission my electronic devices were confiscated (I have no idea why) and I was not able to reach the client. Because I did not have my electronic devices I did not receive the Court's emails last week.

I have been discharged, am doing well and neither me nor my doctors foresee any further problems and am fully able to represent my clients in this proceeding and fulfill my duties as an Officer of the Court.

In no way should this be a reflection of my commitment to the Corporate Plaintiffs or my willingness to stand behind the filings and briefings pending before this Court or going forward. I fully stand by the merits of the law and facts supporting the Corporate Plaintiffs claims and look forward to any Opposition my esteemed colleague on the other side may file.

¹ I attempted to upload a picture of the note from the hospital confirming my stay, but the ECF system will not let me.

I am sorry for any inconvenience that I caused Your Honor or the other parties to the case. The health incident, and my absence caused therefrom truly were beyond my control and as a result I was unable to communicate with the client or the Court. I am putting some procedures in place, that going forward in the future there will be no issues regarding attendance and I plan to be at the upcoming conference be it in person or telephonically.

Respectfully,

David S. Kostus, Esq.